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10/550,975	01/12/2006	Andrea Politi	USYS-0177/IT001	1633
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UNISYS CORPORATION			TRAN, QUOC A	
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MAIL STATION: E8-114			PAPER NUMBER	
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			04/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,975

Applicant(s)

POLITI ET AL.

Examiner

Quoc A. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☒ Claim(s) 1, 2, 11-13, 22, 24-25 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. PCT/US04/08681 filed 03/18/2004 and 60.457,277 filed 03/25/2003.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 09/26/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is a **Non-Final** in response to Patent Application filed on 01/12/2006, which is claimed priority of PCT/US04/08681 filed 03/18/2004, which claimed priority of Provisional No. 60/457,277 filed, **03/25/2003**. Claims 1-34 are pending; Claims 1, 12 and 24, being independent claims (by Unisys).

It is noted; Applicant Preliminary amendment to the Specification filed 09/26/2005 (i.e. incorporated herein by reference PCT/US04/08681) has been accepted.

Information Disclosure Statement

A signed and dated copy of applicant's IDS, which was filed on 09/26/2005, is attached to this Office Action.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. Claims 2, 13 and 25 recite the limitation "**sufficient**". However, there is not any support for the term "**sufficient**" in the Applicant's disclosure. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction is required.

Claim Objections

Claim(s) 1, 11-12, 22, 24 and 34 objected to because of the following informalities:

Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation, See, 37 CFR 1.75(i) and MPEP 608.01 (m) [R3]. There may be plural indentations to further segregate subcombinations or related steps. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim(s) 2-3, 13-14 and 25-26 rejected under **35 U.S.C. 112, second paragraph**, INDEFINITE.

Evidence that claims 2, 13 and 25, recite the limitation "**sufficient**", as explained above this term is not used in the original disclosure; therefore it is indefinite what is being claimed.

Claims 3, 14 and 26 merely further describe the recited "**sufficient**" to enable the publishing system to manipulate the item using SOAP and. Accordingly, Claims 3, 14 and 26 fail to recite statutory subject matter, as defined in 35 U.S.C. 112.

In the interest of compact prosecution, the application is further examined against the prior art, as stated below, upon the assumption that the applicants may overcome the above stated rejections under 35 U.S.C. 112.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1 and 12:

Claims 1 and 12 recite a "***publishing system***"; "***middleware system***" comprising "***a server means***" facilitating editorial services for creating an envelope associated with each in the HTTP SOAP and XML environment. The Examiner notes the disclosure of the present invention expressly states, "*techniques described herein for facilitating interoperability between various front-end clients and a server may be applied to a variety of applications and device...The various techniques described herein **may be implemented in connection with hardware or software**...*" see Specification → Page 18, Second half of the Page). Thus, for purposes of examination, the examiner will assume that the recited a "***publishing system***"; "***middleware system***" comprising "***a server means***" facilitating editorial services for creating an envelope associated with each in the HTTP SOAP and XML environment, comprise only computer software. Accordingly, the "***publishing system***"; "***middleware system***" comprising "***a server means***" recited in Claims 1 and 12 are software *per se*.

Computer software is not a process, a machine, a manufacture or a composition of matter. Accordingly, Claims 1 and 8 fail to recite statutory subject matter, as defined in 35 U.S.C. 101.

Claims 2-11 and 13-22:

Claims 2-11 and 13-22 merely further describe the recited "*publishing system*"; "*middleware system*" comprising "*a server means*" facilitating editorial services for creating an envelope associated with each in the HTTP SOAP and XML environment,. Accordingly, Claims 2-11 and 13-22 fail to recite statutory subject matter, as defined in 35 U.S.C. 101.

In the interest of compact prosecution, the application is further examined against the prior art, as stated below, upon the assumption that the applicants may overcome the above stated rejections under 35 U.S.C. 101.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable by Haynie et al., US 20060036448A1 filed 06/13/2002 [hereinafter "Haynie"], in view of Willis et al., US 20040003097A1 filed 05/16/2003 Provisional No. 60/380,863 filed 05/17/2002 [hereinafter "Willis"].

Regarding independent claim 1,

Haynie teaches:

A system including a middleware system, wherein the system includes a repository and server means facilitating editorial services with respect to digital items produced by a plurality of front-end clients, said middleware system comprising a software-based mechanism to create an envelope associated with each item and to thereby provide an object corresponding to each item, each said object being accessible within said system.

(See Fig 2-4 Para 63→75 → Haynie discloses this limitation that is illustrated in Fig. 2 item 10 the publication system; item 36 Client web browser; item 34 Web server(s); item

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32 and 12 (i.e. Middleware TIBCO and API server), Application server item 12, said middleware system comprising a software-based mechanism to create an envelope associated with each item and to thereby provide an object corresponding to each item and Oracle/SQL Server Database item 14, wherein the SOAP packet 60 includes an HTTP header 62, a SOAP Action 64, SOAP-ENV: Envelop 66, and SOAP-ENV: Body 68. Haynie further discloses the system architecture is provided capabilities for viewing/editing, See Haynie at Para 442.)

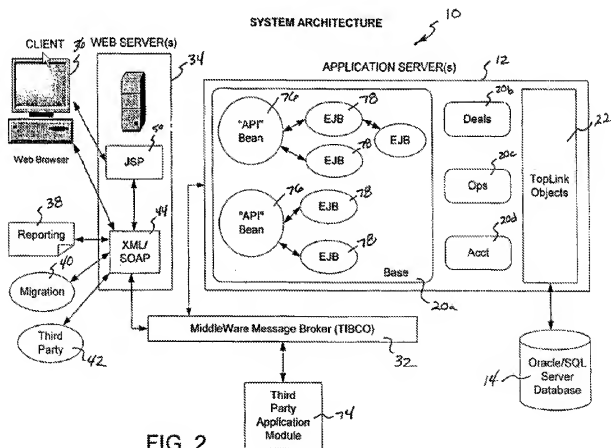


FIG. 2

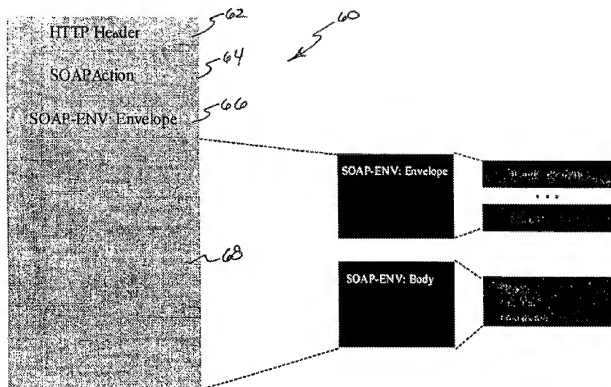


FIG. 4

In addition Haynie does not expressly teach, but Willis teaches:

A publishing system,

(See Para 323→Willis discloses this limitation that is the Application Program Interface ("API") to a publishing system.)

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Haynie to include the step of said the system is a publishing system as taught by Willis for the purpose of providing a predictable result of enabling a client application such as system, if

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necessary to translate the message(s) into a usable format for the user, see Willis at Para 360.

Regarding independent claim 12,

This claim corresponds to the subject matter recited in Claim 1. Thus Haynie disclose every limitation of Claim 12, as indicated in the above rejections for Claim 1.

In addition, Haynie teaches:

the method comprising the creation of a metadata envelope associated with each item, thereby providing an object corresponding to each item, each said object being accessible within said system.

(See Fig. 4 Para 63→75 → Haynie discloses this limitation that is XML (metadata) and the SOAP packet 60 includes an HTTP header 62, a SOAP Action 64, SOAP-ENV: Envelop 66, and SOAP-ENV: Body 68. Haynie further discloses the system architecture is provided capabilities for viewing/editing, See Haynie at Para 442.)

In addition Haynie does not expressly teach, but Willis teaches:

publish system wherein each digital said item is characterized by a native format,

(See Para 323→Willis discloses this limitation that is the Application Program Interface ("API") to a publishing system. Also Willis further discloses the messages from primary publisher 4305 and contextual publisher 4345 may not be in a format that is immediately accessible by user 3805. For example, the message may be

an XML file that would not be useful to user 3805. Thus, a client application such as system 4805 may be necessary to translate the message(s) into a usable format for the user 3805, which reasonably interpreted as characterized by a native format as claimed, See Willis at Para 360.)

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Haynie to include the step of said each digital said item is characterized by a native format as taught by Willis for the purpose of providing a predictable result of enabling a client application such as system, if necessary to translate the message(s) into a usable format for the user, see Willis at Para 360.

Regarding independent claim 24,

is directed to a computer readable medium, for performing the steps of claim 12 cited above. Thus, Haynie and Willis disclose every limitation of Claim 24 and provides proper reasons to combine, as indicated in the above rejections for Claim 12 (see Willis Para 24, discloses to a computer readable medium).

Claim 2,

Haynie and Willis teach the method of claim 1 and further comprise:

wherein said envelope for each item is sufficient to enable the system to manipulate the item.

(See Fig. 4 Para 63→75 → Haynie discloses this limitation that is the SOAP packet 60 includes an HTTP header 62, a SOAP Action 64, SOAP-ENV: Envelop 66, and SOAP-ENV: Body 68. Haynie further discloses the system architecture is provided capabilities for viewing/editing, See Haynie at Para 442.)

In addition Haynie does not expressly teach, but Willis teaches:

A publishing system,

(See Para 323→Willis discloses this limitation that is the Application Program Interface ("API") to a publishing system.)

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Haynie to include the step of said the system is a publishing system as taught by Willis for the purpose of providing a predictable result of enabling a client application such as system, if necessary to translate the message(s) into a usable format for the user, see Willis at Para 360.

Claim 3,

Haynie and Willis teach the method of claim 2 and further comprise:

wherein said envelope is described in SOAP and XML to define and enable handling of the object and HTTP is used for its transmission.

(See Fig. 4 Para 63→75 → Haynie discloses this limitation that is XML and the SOAP packet 60 includes an HTTP header 62, a SOAP Action 64, SOAP-ENV: Envelop 66,

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and SOAP-ENV: Body 68. Haynie further discloses the system architecture is provided capabilities for viewing/editing, See Haynie at Para 442.)

Claim 4,

Haynie and Willis teach the method of claim 1 and further comprise:

**wherein each said item is characterized by a native format, and
wherein the system includes a mechanism to associate additional metadata
with each said item to identify the native format of the item.**

(See Para 360→Willis discloses this limitation that is the messages from primary publisher 4305 and contextual publisher 4345 may not be in a format that is immediately accessible by user 3805. For example, the message may be an XML (metadata) file that would not be useful to user 3805. Thus, a client application such as system 4805 may be necessary to translate the message(s) into a usable format for the user 3805, which reasonably interpreted as characterized by a native format as claimed.)

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Haynie to include the step of said each item is characterized by a native format, and wherein the system includes a mechanism to associate additional metadata with each said item to identify the native format of the item as taught by Willis for the purpose of providing a predictable result of enabling a client application such as system, if necessary to translate the message(s) into a usable format for the user, see Willis at Para 360.

Claim 5,

Haynie and Willis teach the method of claim 1 and further comprise:

wherein the system is operable as a web service, generating a format field and providing standardized (HTTP/XML/SOAP) connections between the publishing system and the front-end clients.

(See Fig 2-4 Para 63→75 → Haynie discloses this limitation that is illustrated in Fig. 2 item 10 the publication system; item 36 Client web browser; item 34 Web server(s); item 32 and 12 (i.e. Middleware TIBCO and API server), Application server item 12, said middleware system comprising a software-based mechanism to create an envelope associated with each item and to thereby provide an object corresponding to each item and Oracle/SQL Server Database item 14, wherein the SOAP packet 60 includes an HTTP header 62, a SOAP Action 64, SOAP-ENV: Envelop 66, and SOAP-ENV: Body 68. Haynie further discloses the system architecture is provided capabilities for viewing/editing, See Haynie at Para 442.)

Claim 6,

Haynie and Willis teach the method of claim 1 and further comprise:

wherein said items produced by the front-end clients include charts, text, and images.

(See Fig. 34 and Para 247-248, →Willis discloses this limitation that is Screen shot 3400 included charts, text, and images.)

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Haynie to include the step of said items produced by the front-end clients include charts, text, and images as taught by Willis for the purpose of providing a predictable result of enabling a client application such as system, if necessary to translate the message(s) into a usable format for the user, see Willis at Para 360.

Claim 7,

Haynie and Willis teach the method of claim 1 and further comprise:

wherein at least one of said front-end clients comprises a writing and editing program.

(See Fig. 4 Para 63→75 → Haynie discloses this limitation that is the system architecture is provided capabilities for writing/editing, See Haynie at Para 442.)

Claim 8,

Haynie and Willis teach the method of claim 1 and further comprise:

wherein at least one of said front-end clients comprises a page design program.

(See Para 128 → Haynie discloses this limitation that is the system architecture is provided capabilities customized page utilizing JSP and Java code for each individual

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page. This allows the entire look and feel of the application to change simply by modifying the template and keeping embedded Java code of JSP to a minimum.)

Claim 9,

Haynie and Willis teach the method of claim 1 and further comprise:

wherein said editorial services provided by the system include item manipulation, management, sizing, layout, and printing.

(See Para 157, 131, 518 and 224→Haynie discloses this limitation that is the system architect includes data manipulation, management, sizing, layout, and printing process.)

In addition Haynie does not expressly teach, but Willis teaches:

A publishing system,

(See Para 323→Willis discloses this limitation that is the Application Program Interface ("API") to a publishing system.)

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Haynie to include the step of said the system is a publishing system as taught by Willis for the purpose of providing a predictable result of enabling a client application such as system, if necessary to translate the message(s) into a usable format for the user, see Willis at Para 360.

Claim 10,

Haynie and Willis teach the method of claim 1 and further comprise:

software based mechanism for providing items from the publishing system to the front-end clients in a native format of said front- end clients.

(See Para 323→Willis discloses this limitation that is the Application Program Interface ("API") to a publishing system.

See also Para 360→Willis discloses the messages from primary publisher 4305 and contextual publisher 4345 may not be in a format that is immediately accessible by user 3805. For example, the message may be an XML file that would not be useful to user 3805. Thus, a client application such as system 4805 may be necessary to translate the message(s) into a usable format for the user 3805, which reasonably interpreted as characterized by a native format as claimed.)

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Haynie to include the step of said software based mechanism for providing items from the publishing system to the front-end clients in a native format of said front- end clients as taught by Willis for the purpose of providing a predictable result of enabling a client application such as system, if necessary to translate the message(s) into a usable format for the user, see Willis at Para 360.

Claim 11,

Haynie and Willis teach the method of claim 1 and further comprise:

wherein said envelope for each item is described in SOAP and XML to define and enable handling of the object, and HTTP is used for its transmission;

(See Fig 2-4 Para 63→75 → Haynie discloses this limitation that is illustrated in Fig. 2 item 10 the publication system; item 36 Client web browser; item 34 Web server(s); item 32 and 12 (i.e. Middleware TIBCO and API server), Application server item 12, said middleware system comprising a software-based mechanism to create an envelope associated with each item and to thereby provide an object corresponding to each item and Oracle/SQL Server Database item 14, wherein the SOAP packet 60 includes an HTTP header 62, a SOAP Action 64, SOAP-ENV: Envelop 66, and SOAP-ENV: Body 68. Haynie further discloses the system architecture is provided capabilities for viewing/editing, See Haynie at Para 442.)

In addition Haynie does not expressly teach, but Willis teaches:

and wherein each said item is characterized by a native format, and the system includes a mechanism to associate additional metadata with each said item to identify the native format of the item;

(See Para 360→Willis discloses the messages from primary publisher 4305 and contextual publisher 4345 may not be in a format that is immediately accessible by user 3805. For example, the message may be an XML file that would not be useful to user 3805. Thus, a client application such as system 4805 may be necessary to translate the message(s) into a usable format for the user 3805, which reasonably interpreted as characterized by a native format as claimed.)

and wherein said items produced by the front-end clients include charts, text, and images;

(See Fig. 34 and Para 247-248, →Willis discloses this limitation that is Screen shot 3400 included charts, text, and images.)

and further comprising a software based mechanism for providing items from the publishing system to the front- end clients in the native format of said font-end clients.

(See Para 323→Willis discloses this limitation that is the Application Program Interface ("API") to a publishing system.

See also Para 360→Willis discloses the messages from primary publisher 4305 and contextual publisher 4345 may not be in a format that is immediately accessible by user 3805. For example, the message may be an XML file that would not be useful to user 3805. Thus, a client application such as system 4805 may be necessary to translate the message(s) into a usable format for the user 3805, which reasonably interpreted as characterized by a native format as claimed.)

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Haynie to include the step of said each said item is characterized by a native format, and the system includes a mechanism to associate additional metadata with each said item to identify the native format of the item; and wherein said items produced by the front-end clients include charts, text, and images; and further comprising a software based mechanism for providing items from the publishing system to the front- end clients in the native

format of said font-end clients as taught by Willis for the purpose of providing a predictable result of enabling a client application such as system, if necessary to translate the message(s) into a usable format for the user, see Willis at Para 360.

Claims 13-22 respectively,

are fully incorporated similar subject of claims 2-11 respectively cited above, and are similarly rejected along the same rationale. Thus, Haynie and Willis disclose every limitation of Claims 13-22 and provide proper reasons to combine, as indicated in the above rejections for Claims 2-11.

Claim 23,

is directed to a computer readable medium, for performing the steps of claim 12 cites above. Thus, Haynie and Willis disclose every limitation of Claim 23 and provides proper reasons to combine, as indicated in the above rejections for Claim 12 (see Willis Para 24, discloses to a computer readable medium).

Claims 25-34 respectively,

are directed to a computer readable medium, for performing the steps of claims 2-11 cite above. Thus, Haynie and Willis disclose every limitation of Claims 25-34 and provides proper reasons to combine, as indicated in the above rejections for Claims 2-11 (see Willis Para 24, discloses to a computer readable medium).

It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is 571-272-8664. The examiner can normally be reached on 9AM - 5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quoc A. Tran/

Patent Examiner

04/04/2008

/Rachna Singh/

Rachna Singh

Primary Examiner, Art Unit 2176